

**CITY OF SAN BUENAVENTURA**

**PLANNING COMMISSION RESOLUTION CD-2022-  
APPROVING DESIGN REVIEW, COASTAL DEVELOPMENT PERMIT, EXCEPTIONS  
AND WARRANT FOR THE ORNE RESIDENCE PROJECT LOCATED AT 167 N.  
GARDEN STREET**

**PROJECT-14669**

**CASE NOS. DRC-9-20-56538, E-6-21-60432, W-6-21-60433, and ACDP-9-20-56539**

**WHEREAS** an application has been filed by Richard Orne for Design Review, Coastal Development Permit, Exceptions, and Warrant to construct one live/work unit with an existing 678 square-foot residence on a 0.18-acre site in the T4.3 zone within the Downtown Specific Plan, commonly referred to as Assessor's Parcel Number 071-0-180-220; and

**WHEREAS**, on December 15, 2021, the Design Review Committee of the City of San Buenaventura held a duly noticed public hearing and at the time considered all testimony, written and oral and forwarded design recommendations to the Planning Commission; and

**WHEREAS**, on January 26, 2022, the Planning Commission of the City of San Buenaventura held a duly noticed public hearing and at the time considered all testimony, written and oral; and

**WHEREAS**, on January 26, 2022, the Planning Commission of the City of San Buenaventura reviewed and considered a Categorical Exemption for this Project; and

**NOW, THEREFORE**, the Planning Commission of the City of San Buenaventura does here by resolve, find, determine and order as follows:

**SECTION 1:** The above recitations are true and correct and are incorporated herein by this reference.

**SECTION 2:** San Buenaventura Municipal Code authorizes the Planning Commission to grant Design Review (**DRC-9-20-56538**), Coastal Development (**ACDP-9-20-56539**), Warrant (**W-6-21-60433**), and Exceptions (**E-6-21-60432**) upon making certain findings. The Planning Commission made the following findings for the Project:

**DESIGN REVIEW FINDINGS FOR CASE NO. DRC-9-20-56538**

1. *Required Finding: "The design and layout of the proposed development is consistent with the applicable elements of the general plan and any adopted architectural criteria for specialized areas, such as designated historic districts, theme areas, planned developments, or specific plans," per Zoning Regulation Section 24.545.100 (1).*

The proposed design and layout of the development project is consistent with the City's General Plan, the Housing Element, and the Downtown Specific Plan (DTSP). The project contributes to a development that is consistent with the following goals, policies, and actions.

The project contributes to the fabric of the existing community and neighborhood by maintaining a modest scale aligned with the surrounding building types and uses. The live/work unit is a modern industrial building fit with the transitioning commercial/industrial/residential area. Currently, Garden Street is an eclectic area with multiple uses like light industrial, manufacturing, retail, multi-family, live/work, and single-family. The subject site is consistent with the diversity of and provides an infill design to maximize the space while complementing the community characteristics and encourages surrounding areas to also provide a diversity of housing types that offer different rental living opportunities.

#### 2005 General Plan Compliance

*Goal 3: Our goal is to protect our hillsides, farmlands and open spaces; enhance Ventura's historic and cultural resources; respect our diverse neighborhoods; reinvest in older areas of our community; and make great places by insisting on the highest standards of quality in architecture, landscaping and urban design.*

*Policy 3A: Sustain and complement cherished community characteristics.*

*Action 3.2: Enhance the appearance of districts, corridors, and gateways (including views from highways) through controls on building placement, design elements and signage.*

*Policy 3C: Maximize use of land in the city before considering expansion.*

*Action 3.14: Utilize infill, to the extent possible, development to accommodate the targeted number and type of housing units described in the Housing Element.*

#### 2014-2021 Housing Element

*Goal 2: Facilitate the provisions of a range of housing types to meet the diverse needs of the community.*

*Policy 2.12 Facilitate the provision of second units as a means of providing affordable rental housing in existing neighborhoods. Ensure compatibility with the primary unit and surrounding neighborhood.*

*Policy 2.14 Promote and facilitate non-traditional housing types and options, including co-housing, assisted living facilities, live/work spaces, transitional housing, emergency shelters, farm housing, and artist lofts.*

## Downtown Specific Plan

The proposed design and layout of the project would contribute to a development that is consistent with the applicable elements of the Municipal Code and the Downtown Specific Plan by including a recognized building type, frontage type, and use of building architecture that complements the surrounding neighborhood. The project, as conditioned, is consistent with the following goals, policies, and actions of the Downtown Specific Plan:

*Goal 1: Preserve Ventura's special sense of place by insisting on high standards of architecture, urban design and landscaping so that new development complements the eclectic architecture and historic richness of our Downtown.*

*Policy 1B: New Development and the substantial remodel of existing development in the Downtown shall be consistent with the purpose and intent of this Specific Plan and the Development Code.*

*Action 1.12: Ensure all development, including substantial remodels, adheres to Development Code standards.*

*Policy 5A: Facilitate production of a range of housing types that meet the diverse needs of the community.*

The proposed project meets the intent and goals of the DTSP by providing additional variety of housing types. The site contains a live/work unit, ADU, and existing single-family residence, which are constructed with a high-quality urban/industrial design using a variety of materials, and establishing pedestrian scale and connectivity to the public right-of-way from the front live/work unit.

2. *Required Finding: "The design and layout of the proposed development will accommodate the functions and activities that are proposed for the property, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create traffic or pedestrian hazards," per Zoning Regulation Section 24.545.100 (2).*

The surrounding land uses include industrial, commercial, and residential sites. The Downtown Specific Plan emphasizes a thriving and integrated district of civic, cultural, commercial, recreational, and residential uses. The project provides a residential use in the form of a live/work compatible with the vision of the immediate area and developed in a way that is pedestrian oriented. The design is in scale and includes connectivity to the public realm thus contributing to the use and enjoyment of the neighboring developments. The project's design will not create traffic or pedestrian hazards.

3. *Required Finding: "The architectural design of the proposed development is compatible with the character of the surrounding neighborhood and all reasonable design efforts have been made to maintain the harmonious, orderly, and attractive*

*development contemplated by this zoning ordinance and the general plan,” per Zoning Regulation Section 24.545.100 (3).*

The project design is compatible with the character of the surrounding neighborhood and all reasonable design efforts have been made to maintain the harmonious, orderly, and attractive development contemplated by the Municipal Code and the Downtown Specific Plan because the proposed development, as conditioned, is compatible with the scale, style and colors of the existing surrounding development, and incorporates design elements that respect the existing surroundings, site developments, and massing of the neighborhood. The design incorporates elements seen throughout the neighborhood, including similar live/work building types, materials such as metal and steel, and reasonably keeping a two-story scale in separate structures compatible with the surrounding buildings.

4. *Required Finding: “The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors and that it is aesthetically of good composition, materials, texture, and color that will remain aesthetically appealing with the level of maintenance and upkeep that might reasonably be expected of the occupants,” per Zoning Regulation Section 24.545.100 (4).*

The project design would provide a desirable environment for its occupants and neighbors. It is aesthetically of good composition, materials, texture, and color that will remain aesthetically appealing and consistent with the surrounding neighborhood character. The project building design complements buildings in the immediate area through scale, massing, material, and building type.

The project design incorporates the live/work building type and porch frontage design that give the appearance of a pedestrian scale, but also providing a commercial working area for future residents. The mix of uses through way of the building type provides opportunities for the occupants and visiting public. The chosen building materials will ensure a reasonable level of maintenance that will help with maintaining aesthetic appeal over time. The project is conditioned accordingly to ensure the development maintains a high level of upkeep and maintenance.

## **WARRANT FINDINGS FOR CASE NO. W-6-21-60433**

### *Warrant No. 1 – Garage Parking*

5. *Required Finding: “The Warrant, while not consistent with a specific provision of this Code, is justified by its intent or by hardship” per Downtown Specific Plan Section 8.10.050. E.1.a.*

The project site is a narrow 44-foot wide by 180-foot-long lot and contains an existing single-family residence. The new structures are situated in the open remaining area on the lot achieving infill on an existing developed site to create smaller building blocks. The lot is narrow, and the project meets the development standards, including setbacks and building placement, with the exception of an enclosed garage. Reducing the building massing onsite allows for better site circulation and vehicle turn around. The new live/work as designed by the standards of the DTSP meets the intent of the goals and policies for the west end of downtown, particularly Garden Street, by providing an infill project to create a walkable environment and reduce the car trips to the nearby shopping center a couple of parcels south of the site.

6. *Required Finding: "The Warrant, would result in development compatible with the scale and character of existing development in the vicinity" per Downtown Specific Plan Section 8.10.050. E.1.b.*

The Warrant to permit the parking space outside of a garage result in the site maintaining more open air between the structures and reducing the building footprints to maintain the scale and character consistent with the area. The live/work building type requires fully enclosed parking within a garage, but the project provides an unenclosed parking space tucked between the units satisfying the parking ratio and while limiting the building massing. This Warrant does not alter the scale and character of the existing development in the vicinity.

7. *Required Finding: "The Warrant, would result in development that is not detrimental to or that would adversely impact adjacent properties" per Downtown Specific Plan Section 8.10.050. E.1.c.*

The Warrant to permit an open parking space not within a garage does not adversely impact adjacent properties due to the limited visibility of the parking space and also meeting the parking number requirement of one (1) parking space. Allowing the one required parking space for the development outside a garage is not detrimental to the neighborhood.

## **EXCEPTION FINDINGS FOR CASE NO. E-6-21-60432**

### *Exception No. 1-Building Type*

8. *Required Finding: "The parcel of property has physical characteristics so unusual that complying with the evaluation standard would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the existing or proposed structure, its inhabitants, or the property owners." per Downtown Specific Plan Section 8.10.050. E.5.a*

The Exception does not create incompatible character of the surrounding area in that the live/work building type is permitted in this zone for the width of the subject lot and there are other live/work units on Garden Street. However, an Exception is required based on the design of the live/work unit because the live and work portions of the structure are separated in different structures connected by external walkways. The DTSP states that a live/work unit should be in the same unit and the project accommodates the joint living conditions in two structures but still meets the intent of the live/work building type by meeting the development standards and providing more flexibility in the living arrangements. The two structures with a live and work component does not result in the project being incompatible with the surrounding area.

Additionally, granting the Exception for the live/work building type does not result in impacts detrimental to or that adversely impact adjacent properties because the one live/work unit would operate with the same intent of having a living area and working area in the same place. The overall design achieves the same result that would not impact other neighboring properties. The project meets the zoning development standards, parking standards, and building and frontage types.

The Live and the Work portions of the Live/Work building are in separate structures, whereas the DTSP requires they be in the same structure. The DTSP policies support Live/Work units and the design results in building footprints that are more compatible with the existing narrow site and surrounding area, and separating the structure puts the open space between the Live and Work sections and the existing development onsite. The alternative that would comply with the Live/Work Building Type would be to combine the two sections together, thus shifting the open space next to the parking area and increasing the massing. That would result in a larger building footprint that is less compatible with the neighborhood, as well as place the open space in a less desirable and unusable location. The development is suitable in the design as it fits the uniquely narrow site, provides infill of a site with existing development, and reasonably achieves the intent of the building type standards.

#### *Exception No. 2-Parking Placement*

9. *Required Finding: "The parcel of property has physical characteristics so unusual that complying with the evaluation standard would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the existing or proposed structure, its inhabitants, or the property owners." per Downtown Specific Plan Section 8.10.050. E.5.a*

The Exception for parking placement within the front 50% of the lot does not result in the project being incompatible with the character of the surrounding area. The property contains one vehicle access point that spans approximately 16 feet

across the 40-foot-wide parcel. The parking placement in the front 50% of the lot is creates better vehicle access and circulation due to the narrow and long shape of the lot. The project meets the required parking ratio by providing one parking space tucked between the two units and is shielded from the public right of way. The location of the parking allows for separation between the single-family residence, ADU, and live/work units creating open space and usable parking spaces while maintaining a similar character to the surrounding area. Therefore, the parking placement would not result in impacts detrimental to or that would adversely impact adjacent properties because the parking is allocated entirely onsite and away from the public view. The parking placement is just in front of the 50% line, therefore, not creating a parking lot at the front property line keeping the visual impacts from the neighboring sites limited.

*Exception No. 3-Alley Access*

10. *Required Finding: "The parcel of property has physical characteristics so unusual that complying with the evaluation standard would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the existing or proposed structure, its inhabitants, or the property owners." per Downtown Specific Plan Section 8.10.050. E.5.a*

The Exception for providing vehicular access through way of an alley for a live/work building type is an exceptional hardship to the property because there is not an alley, nor will there be an alley present onsite. This Exception does not result in the project being incompatible with the character of the surrounding area as the site contains access off of Garden Street and retains that access. Accessing the subject property from the front on Garden Street results in a more compatible situation with the surrounding neighborhood and additionally, allows the building type to occur based on the limited number of building types available based on the lot width of approximately 40 feet. The Exception for not providing the alley access, which also does not exist, does not result in impacts detrimental to or adversely impact the adjacent properties because the site will keep the existing configuration and access, and adding one live/work unit does not significantly impact the area. The design could not be further altered to meet this development standard because an alley cannot be provided for the site, and the project achieves the intent by maximizing the onsite circulation to allow for better flow in and out of the site without using or proving an alley.

**COASTAL DEVELOPMENT PERMIT FINDINGS FOR CASE NO. ACDP-9-20-56539**

11. *Required Finding: "The development does not significantly obstruct public views of the coastline, views from any public road or from a public recreation area," per Zoning Regulation Section 24.515.070 (C)(1).*

The development does not significantly obstruct public views of the coastline, view from any public road, or from a public recreation area because the site is located inland away from the coastline with no view. The infill development will be two stories in height, which will not obstruct views.

12. *Required Finding: "The development is compatible with the established physical scale and character of the area," per Zoning Regulation Section 24.515.070 (C)(2).*

The development is compatible with the established physical scale and character of the area because the live/work unit square footage is similar to the commercial and residential uses in the surrounding area and the structure is two stories and breaks up the massing by utilizing several smaller structures.

13. *Required Finding: "The development is in conformance with all applicable provisions of this zoning ordinance and the comprehensive plan including, specifically, coastal public access and recreation policies," per Zoning Regulation Section 24.515.070 (C)(3).*

The development, as conditioned, is in conformance with all the applicable provisions of the zoning ordinance and the comprehensive plan including, specifically, coastal public access and recreation policies in that the project is infill to an existing developed site, which contains access to the public right of way to obtain access to coastal resources and recreation.

14. *Required Finding: "The proposed development is of a kind permitted by the comprehensive plan and the zone in the area where the development is to be located," per Zoning Regulation Section 24.515.070 (C)(4).*

The proposed development is of a kind permitted by the comprehensive plan and the zone in the area where the development is located. The project provides a live/work unit consistent with the goals and policies of the comprehensive plan and the DTSP, and adds to the diverse housing stock in the coastal zone.

15. *Required Finding: "For any proposed development in the Coastal Bluff area which would be based in whole or in part on subsection 24.315.030.C., the proposed development is necessary to prevent the loss or damage to life, health, property or essential services and will not result in the substantial alteration of natural landforms, as distinct from fill, along the bluff," per Zoning Regulation Section 24.515.070 (C)(5).*

The proposal is not located on the Coastal Bluff area and thereby would not contribute to the loss or damage to life, health, property, or essential services and will not result in the substantial alteration of natural landforms, as distinct from fill, along the bluff.



16. *Required Finding: "For any proposed development in the Coastal Bluff area which will result in a setback of more than ten feet, but less than 25 feet, from the bluff edge, the proposed development is necessary to (a) protect an existing validly permitted or legally nonconforming dwelling unit, (b) allow a new, approved dwelling unit on a vacant lot, or (c) allow reconstruction of an existing dwelling unit in its existing footprint provided, however, that reconstruction in an existing footprint with a less than ten-foot setback will not be allowed unless the reconstruction is due to a less than 50 percent destruction of the structure, and will not result in the substantial alteration of natural landforms along the bluff," per Zoning Regulation Section 24.515.070 (C)(6).*

The proposed project is not located in the Coastal Bluff area.

17. *Required Finding: "For any proposed development in the Coastal Bluff area which would have the potential to result in the alteration of existing filled areas, that the proposed development either (a) restores the natural contour, or (b) replaces an unengineered or unstable fill with an engineered fill with the same contours where necessary to prevent a loss as described in subsection 24.315.030.C," per Zoning Regulation Section 24.515.070 (C)(7).*

The proposed project is not located in the Coastal Bluff area.

**SECTION 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT.** The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects – Class 32) of the CEQA Guidelines as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits and is no more than five acres and is surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and, the site can be adequately served by all required utilities and public services.

**SECTION 4:** The Planning Commission of the City of San Buenaventura after conducting the public hearing **HEREBY APPROVES DRC-9-20-56538, E-6-21-60432, W-6-21-60433, and ACDP-9-20-56539** subject to the following conditions:

## **CONDITIONS OF APPROVAL**

### **Planning Division**

1. This approval is granted for the land or land use described in the application and any attachments thereto, and as shown on the project plans, labeled Case Nos. DRC-9-20-56538, E-6-21-60432, W-6-21-60433, and ACDP-9-20-56539 Exhibit "A" attached hereto and incorporated herein. The location of all buildings, fences, parking areas, and other facilities or features shall be located and maintained

substantially as shown on the project plans, attached hereto and incorporated herein.

2. The project shall include additional landscaping and shade trees. The landscape plans shall be revised and reviewed and approved by the Planning Division prior to building permit submittal.
3. The conditions of approval of this project shall supersede all conflicting exhibits, notations, specifications, dimensions, typical sections, and the like, which may be shown on the project plans, attached hereto and incorporated herein.
4. Prior to obtaining building permits and within 15 days hereof, the applicant and property owner shall file a written acknowledgment of the conditions stated herein on forms provided by the Planning Division, and all public notices posted onsite are to be removed.
5. Concurrent with submitting applications for building permits, the applicant and property owner shall file with the Planning Division written Acknowledgement of Conditions form provided by the Planning Division, confirming that the plans which are submitted for Plan Check are consistent with the plans, materials and colors as approved by the Planning Commission.
6. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or to demolish an existing structure. Appropriate permits issued by the City of Ventura must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
7. Once permits have been issued to commence work on the improvements, it is the applicant/owner's responsibility to diligently pursue completion per all conditions, requirements and as represented on the approved plans. Reasonable progress shall occur on a continual basis until completion to the satisfaction of the Community Development Director. Work shall not be discontinued for a period exceeding 30 days, without acceptable cause. The intent is to have the project completed in a timely fashion so as to prevent a potential blight from partially completed construction.
8. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance, unless stated otherwise herein. Deviation from this requirement shall be permitted only by written consent of the Community Development Director or designee.
9. This Planning Commission Resolution, in its entirety as adopted, shall be included in the initial plan check submittal that is submitted. The Resolution shall be copied directly onto a sheet of the plans, which are submitted for plan check. The

Resolution shall remain a part of the plans throughout the plan check process and shall be part of the plans for which building permits are issued.

10. Unless construction is commenced no later than 24 months after this approval is granted and is diligently pursued thereafter, this approval shall be null and void pursuant to the City's Zoning Regulations. However, if the approved plot plan, elevation plans, and adjacent areas are unchanged (except as allowed under Zoning Regulations Chapter 24.505), the Community Development Director may grant one additional 12-month extension of time for start of construction, provided the initial 24-month period has not already expired. Start of construction is defined as:
  - a. All zoning and related approvals are effective; and
  - b. All required building and grading permits for the project have been issued; and
  - c. The "foundation inspection" and "concrete slab or underfloor inspection" as defined in the California Residential Code, Section R109 have been made and received approval from the Inspection Services Division, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. The California Residential Code is the currently adopted edition commencing with Section 12.110.010 of the City of San Buenaventura Municipal Code. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.
11. Construction activity related to this project may only occur between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday. Construction hours may be extended upon the review and approval of a Construction Management Plan by the Community Development Department. No construction activity shall take place on Sunday or any legal or City observed holiday. The definition of "construction activity" shall include running or idling of equipment.
12. No final inspection or occupancy permit shall be granted until all construction and landscaping are complete in accordance with the plans approved and the conditions required herein.
13. All materials and colors used in construction and all landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Community Development Director. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Director. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

14. Wherever a condition requires that something be initially “built,” “constructed,” “equipped,” “installed,” “provided” or the like in a certain fashion or per certain requirements or approvals, it also requires that the same shall at all times be “maintained” in accordance with the condition, requirement, or approval.
15. Minor Changes may be approved by the Community Development Director, as provided for under Municipal Code Chapter 24.570. Substantial change will require the filing of an Application for Amendment.
16. No signs of any type are approved as a part of this action. Any signs viewable from the public right-of-way must receive a sign permit approved by City Planning Staff prior to installation as per Chapter 24.420 Sign Regulations of the Municipal Code.
17. No outside open storage of any kind shall be permitted on the site.
18. The developer shall provide mailboxes in locations to be approved by the US Postal Service.
19. All requirements of any law, ordinance, or regulation of the State, City of San Buenaventura, and any other governmental entity shall be complied with at all times.
20. Approval is subject to the applicant paying all applicable fees and assessments to the City of San Buenaventura, as required by the Municipal Code.
21. All approvals are subject to and dependent upon the applicant complying with all applicable Ordinances, Codes, regulations, or adopted policies. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
22. In accepting the benefits of the conditional approval of this permit(s) and approvals issued in conjunction with this permit(s), and as a condition of approval of this permit, the applicant agrees to defend, indemnify, and hold harmless the City of San Buenaventura and its officers, employees, and agents from any claim, action, or proceeding against the City or its officers, employees, or agents brought to attack, set aside, void, or annul, the approval of the permit by any advisory agency, appeal board, or legislative body of the City. This condition shall be construed to include, without limitation, applicant's agreement to pay any attorney's fees incurred by the City in its choice of defense counsel or awarded against the City or its agents, officers, or employees in any legal action to attack, set aside, void or

annul, the approval of the application in which the petitioner or plaintiff in such action is the prevailing party and is awarded attorney's fees.

- a. Applicant's obligations set forth in this condition are based on the mutual understanding of the City and the applicant that the City shall promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense, provided that the City's obligation to "cooperate fully" in such defense shall no include payment of any monies for or toward any fees, costs, or expenses of such defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. In any event, the applicant shall not be required to pay or perform any settlement of any such claim, action, or proceeding unless the settlement is approved by the applicant.
  - b. Nothing contained in this condition is intended to, or shall be construed to, prohibit the City from participating in the defense of any claim, action, or proceeding, provided that applicant shall remain obligated to pay any attorneys' fees incurred by City for in-house or outside counsel which may be chosen by City in the exercise of its sole discretion.
  - c. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
23. All lighting is to be designed to confine the light within the site boundaries and to provide safety and security. All building entrances and pedestrian ways are to be adequately lighted. Lighting is to be shielded from neighboring properties and directed at a specific task or target. Exposed bulbs are prohibited, unless the Community Development Director determines exposed bulbs are integral to the architectural design.
  24. Location of all exterior fire valves, backflow preventers, and other grade or pad mounted equipment shall be coordinated with the Fire Marshal prior to submittal for Plan Check and Confirmation of Details, if applicable, and integrated into the building design to reduce the visual impact of these amenities.
  25. Backflow preventers are to be painted dark green and screened by appropriate landscape and/or wall material, as approved by the Community Development Director, allowing a three-foot clearance on both sides of the point of connection. All other ground or pad-mounted equipment shall be painted dark green and fully screened by appropriate landscape materials, as approved by the Community Development Director.

26. To comply with the State Model Efficient Landscape Ordinance, the applicant shall submit a landscape and irrigation plans for all public and private areas prepared by a licensed professional in compliance with the provisions contained in the *California Model Water Efficient Landscape Ordinance, AB 1881, as revised June 15, 2015*. A California Registered Landscape Architect shall provide a Certificate of Compliance/Letter of Inspection prior to occupancy stating that the installation of landscaping is in accordance with the approved plan.
27. All landscaping shall be provided adequate landscape irrigation and the building and grounds shall be maintained so the building and site does not fall into a visible state of disrepair.
28. Trash enclosures shall be provided and maintained at the site. The enclosures shall be located and designed per Planning Commission approval and the Environmental Sustainability Division's Trash Enclosure Guidelines 2020. The enclosures shall have completely solid walls and completely solid gates a minimum of six feet in height, and of sufficient height to totally screen the trash bin(s). The trash storage areas and enclosure shall be shown and detailed on the plans at plan check. The enclosure shall be of materials and colors to match the building. Chain link fence or other types of enclosures are not permitted. The trash storage areas shall be maintained in good repair at all times.
29. All utility structures and equipment visible from a right-of-way shall be screened consistent with the 2008 City-Wide Design Guidelines.
30. Any mechanical and/or electrical equipment, including solar panels, to be located on the roof of the structure or "pad-mounted" on the site shall be shown on the site plan and elevation plans and shall be completely screened from view in a manner as approved by the Planning Commission and the Planning Division. Antennas and antenna systems, either "pad-mounted" or roof-mounted, which are visible from the exterior, are not approved as a part of this action and may not be installed without prior review and approval of the Planning Commission and the Planning Division. Methods of screening equipment shall be shown on plans at plan check. This may include raising the parapet to screen roof equipment. A line-of-sight diagram may be required to confirm that proposed screening will be adequate. This condition applies to initial construction and later improvements.
31. Roof ladders shall be placed inside the building and shall not to be attached to or visible from the exterior of the building, unless approved otherwise by the Planning Commission.
32. All areas shown as parking areas shall be suitably marked, outlining individual parking spaces and traffic flow. Said surfacing and marking shall be completed prior to final inspection of the structure or structures by the Building and Safety Division and Fire Department or prior to the issuance of any occupancy clearance. The surface of all parking areas shall be maintained in an adequate state of repair

at all times subject to the satisfaction of the Building Official. All parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet deep, unless spaces for compact cars are used, in which case these spaces shall be a minimum of eight (8) feet wide by sixteen (16) feet deep. Compact parking spaces must be adequately signed or noted, and such notations shall be included on all building plans.

### **Public Works Department**

33. Access to the site shall be through driveways per City Standard Detail No. 104, with a minimum width of 12 feet. The driveways shall be located along the property frontage per City Engineer requirements.
34. Any existing damaged or defaced curb, gutter, or sidewalk adjacent to project boundary shall be removed and replaced to meet existing City Standards and ADA compliance with a new 6-foot sidewalk to be installed on all property frontage per City Standard Detail No. 102.
35. On-street parking spaces shall not be assigned, labeled, or obstructed for reserved use of the residence of any private development. They shall be available for public use at all times.

### **Ventura Water**

36. The current City Engineering Design Standards and the City Standard Construction Details shall be followed for design requirements.
37. Connection to the City sewer system shall be made utilizing one 6-inch (min.) sewer lateral. The on-site private sanitary sewer pipes shall converge into one private manhole on-site before connection to the City sewer system through a 6-inch (min.) sewer lateral.
38. The construction plans shall show existing and proposed sewer lateral, water services, and meter locations. New sewer lateral and water service shall not be located within driveways. Existing laterals shall be abandoned and cut & capped at the main and existing water services shall be abandoned by City forces and paid for by the Applicant/Developer.
39. All new sewer infrastructures shall be isolated with a physical barrier until the Ventura Water General Manager approves the new system and the development is ready for actual occupancy.
40. The City of San Buenaventura has implemented a Water Rights Dedication and Water Resource Net Zero Policy per Municipal Code Chapter 22.180. All projects are subject to compliance with the Policy, which includes implementation of conservation offsets, dedication of water rights, and/or payment of a Water

Resource Net Zero Fee. Net Zero fees will apply to the project and will include the square footage of all newly created spaces such as the outdoor patio areas, second floor mezzanine, rooftop restaurant space, and new residential units, etc. Credits for existing uses and extraordinary conservation will be determined at the time the Net Zero Fee is assessed. Net Zero Fees are evaluated and assessed at Building Permit Issuance.

41. Any wells and/or water production facilities on the site shall be abandoned or destroyed in a manner satisfactory to the Ventura Water General Manager and the County Resource Management Agency. A Ventura County Well Demolition Permit will be required prior to abandoning any wells.
42. All on-site water mains and appurtenances shall be a private domestic water system, owned and maintained by the Property Owner. A domestic meter and backflow shall be required for all commercial, mixed-use, and multi-family/townhouse/apartment complexes. Location of the meter shall be based on City Standard Detail No. 009 and 010.
43. If the Fire Department requires a separate service for fire protection purposes, the fire service shall be equipped with approved backflow devices. Point of connection to the City water system shall be made only in location as approved by the Ventura Water General Manager.
44. There shall be no public water mains/services/meters within private streets, private properties, and/or private/public alleys.
45. A separate irrigation service is not allowed for residential projects. Non-residential and mixed-use projects may have a separate irrigation service.
46. There shall be no trees planted until water service is located. Minimum separation between trees and water mains or services is 8 feet.

### **Fire Department**

47. A sprinkler exemption for the ADU will not be permitted with the requirement for the live/work portion and the separation challenges.
48. The live/work unit shall have an automatic fire sprinkler system installed in accordance with NFPA 13R, as the unit is classified as an R2 occupancy.
49. Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 and sized for not less than ordinary hazard as follows:
  - At each stairway on all floor levels where combustible materials have accumulated.



- In every storage and construction shed.
  - Additional portable fire extinguishers shall be provided where special hazards exist including, but not limited to, the storage and use of flammable and combustible liquids.
50. Approved address numbers, building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street, road, alley, and walkways giving access to and within the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be affixed on a structure in clear view, unobstructed by trees or shrubs. Where required by the fire code official, additional address numbers shall be provided in approved locations and of increased size to facilitate emergency response.
51. Exterior doors and opening, including all emergency escape and rescue windows, shall be readily accessible for emergency access by the fire department. An approved access walkway leading from the fire apparatus access roads to the exterior doors and openings shall be provided.
52. Project must comply with CFC Chapter 33 and NFPA 241 for Fire Safety During Construction. At no time shall the construction of this project cause for an unreasonable unsafe environment to the fire/life safety of any nearby occupied structure(s).

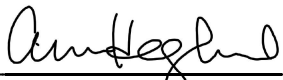
**SECTION 5:** The Design Review Permit, Coastal Development Permit, Exceptions and Warrant approval shall be subject to revocation if the applicant fails to comply with the conditions listed herein at any time. If, at any time, the Community Development Director or Planning Commission determine that there has been or may be a violation of the findings or conditions of this approval, or of the Zoning Regulations, a public hearing may be held before the Planning Commission to review this approval pursuant to Zoning Regulation Section 24.570. At said hearing, the Planning Commission may add conditions, or recommend enforcement actions, or revoke the approval entirely, as necessary to ensure compliance with the Zoning Regulations, and to provide for the health, safety, and general welfare of the community.

**PASSED AND ADOPTED** this 26<sup>th</sup> day of January 2022.

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Neda Zayer, Secretary

APPROVED AS TO FORM  
Andrew Heglund  
Acting City Attorney



1/21/2022

Andrew Heglund  
Acting City Attorney

Date

Exhibit List:  
A – Project Plans